

REMARKS

Claims 22-49 are present in this application. Claims 22, 29, 36 and 43 are independent. Claims 22 and 36 have been amended. No new matter is added.

Claims 22 and 36 are amended to address the 35 U.S.C. § 101 rejection as noted below. Support for the claims is found in the disclosure as originally filed.

For the following reasons, reconsideration is respectfully requested.

Claim rejection – 35 U.S.C. § 101

Claims 22-28 are rejected under 35 U.S.C. § 101 as non-statutory. Also, claims 36-42 are rejected under similar reasoning. To expedite prosecution, claims 22 and 36 are amended to obviate the rejection by reciting a “pick-up”.

Additionally, claims 29-35 are indicated as being directed to statutory media. Thus, they are not rejected under 35 U.S.C. § 101.

Withdrawal of the rejection is respectfully requested.

Claim rejection – 35 U.S.C. § 103

Claims 22-24 and 28 are rejected under 35 U.S.C. § 103(a) over Tozaki et al., (U.S. Patent No. 7,398,010), in view of Weijenbergh et al., (U.S. Patent No. 7,248,555).

Claims 25 and 26 are rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Mishima et al., (U.S. Patent No. 7,343,083).

Claim 27 is rejected under 35 U.S.C. § 103(a) over Tozaki, in view of Weijenbergh, and further in view of Kojima (U.S. Patent No. 5,953,484).

Additionally, claims 29-35 and claims 36-44 are rejected in view of the explanation set forth in regards to claims 22-28 in the Office Action. Further, claims 43-49 are rejected in view of the explanation set forth in regards to claims 36-42 in the Office Action. The rejections are respectfully traversed.

It is respectfully submitted that Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest a method of recording data on a recording medium, the method comprising (a) recording a control information on a lead-in area of the recording medium

using a pick-up, the control information including a playback speed information and a maximum transfer rate information specifying a maximum transfer rate needed by an application, wherein the maximum transfer rate information is represented by a bit rate, the playback speed information is distinguished from the maximum transfer rate information, a playback speed by the playback speed information is for suitably reproducing a main data, and the playback speed information is recorded in one byte long field and is represented by a multiplication of a basic speed information; and (b) recording main data in a main data area of the recording medium using the pick-up, as recited in claim 22.

Also, is respectfully submitted that Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claims 29, 36 and 43, which recite similar features of varying scope.

By way of review, it is noted that claim 22 includes the features “*the control information including a playback speed information and a maximum transfer rate information* specifying a maximum transfer rate needed by an application”, and “*the playback speed information is distinguished from the maximum transfer rate information*”.

In contrast, Tozaki simply discloses a “lowest reading rate” which is stated as being information indicating a lowest reading rate for each disk (see col. 14, lines 36-40 of Tozaki). Tozaki elaborates that the lowest reading rate is set to either one of the maximum value of the reading rate and a reading rate equal to the maximum value multiplied by $\frac{1}{2}$ ”, which Tozaki discloses is one of 10.08 Mbps, 5.04 Mbps, and 2.52 Mbps (see col. 14, lines 48-59 of Tozaki).

On the other hand, Weijenbergh simply discloses a “maximum read transfer rate” which may be one of a maximum transfer rate of 10.08 Mbits/s (i.e., Mbps), 5.04 Mbits/s, and 2.52 Mbits/s (see col. 14, lines 10-19 of Weijenbergh).

Based on the above disclosures of Tozaki and Weijenbergh, it has been asserted that Tozaki and Weijenbergh respectively disclose the feature of the playback speed information and the feature of the maximum transfer rate information. In response, the Applicants note the following.

First, Tozaki and Weijenbergh fail to disclose the feature of recording both the playback speed information and the maximum transfer rate information on a disc, and also, there is no suggestion or teaching of having both on a disc in either Tozaki and Weijenbergh.

Second, if Tozaki and Weijenbergh are to be combined, it is not clear why the “lowest reading rate” of Tozaki having possible values of 10.08 Mbps, 5.04 Mbps, and 2.52 Mbps and the “maximum read transfer rate” of Weijenbergh having possible values of 10.08 Mbits/s (i.e., Mbps), 5.04 Mbits/s, and 2.52 Mbits/s, would be used together. In other words, Tozaki and Weijenbergh appear to simply disclose the same thing under different names, namely a read rate having possible values of 10.08 Mbps, 5.04 Mbps, and 2.52 Mbps. Therefore, it appears the Tozaki and Weijenbergh both fail to disclose or suggest a playback speed information and a maximum transfer rate information, whereby “the playback speed information is distinguished from the maximum transfer rate information.”

Accordingly, Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claim 22, and Tozaki and Weijenbergh, either individually or in combination, fail to disclose or suggest each and every feature of claims 29, 36 and 43 reciting similar features of varying scope. Based on all of the above, claims 22, 29, 36 and 43 are patentably distinguishable over the applied references and their combination.

The respective dependent claims are also patentably distinguishable over the applied references and/or their combination for at least the reasons discussed above and/or for the additional features they recite. Withdrawal of the rejections is respectfully requested.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Seth S. Kim, Registration No. 54,577, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

By

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